

REMARKS

Applicants' undersigned counsel respectfully requests confirmation that this Preliminary Amendment conforms to the revised amendment format under 37 C.F.R. § 1.121, which remains voluntary until July 30, 2003 and which shall be mandatory thereafter.

Copies of pending parent patent application U.S. Patent Application Serial No. 10/061,658, filed February 1, 2002, and the following documents and things related to that application, are filed simultaneously herewith in accordance with 37 C.F.R. § 1.53(b) and MPEP 201.06(c): filing fee; copy of executed declaration and power of attorney (labeled to cross-reference the instant continuation application); supplemental power of attorney; paper and computer-readable copies of the sequence listings; Figures 1-8 (including revised Figure 5); proof of deposit of the  $\alpha$ 1-I domain antibody AJH10; and the PTO form 1449 corresponding to both the information disclosure statement and supplemental information disclosure statement submitted in the parent application. Upon request, the Applicants will also submit additional copies of the references cited and submitted in the information disclosure statement and supplemental information disclosure statement filed in the parent application.

The hybridoma that produces the  $\alpha$ 1 domain antibody AJH10 was deposited under the Budapest Treaty on August 2, 2001 with the American Type Culture Collection, 10801 University Boulevard, Manassas, VA 20110-2209 (ATCC PTA-3580). Proof of such deposit is attached herewith. Other materials necessary to make AJH10 are available in the public domain to those of ordinary skill in the art.

Applicants, through their undersigned counsel, hereby represent that the above-referenced deposit was made under the Budapest Treaty and that, in accordance with 37 C.F.R. § 1.808 and MPEP 2404.01, all restrictions imposed by Applicants on the availability of the above referenced deposited material will be irrevocably removed upon the granting of a patent from the instant application.

The instant preliminary amendment revises the specification and figures of the above-identified continuation application to conform to those of patent application

U.S. Patent Application Serial No. 10/061,658. These amendments, when made to the parent application, were found not to introduce new matter in light of the following.

The instant amendment to the description of Figure 5, and the description of the epitope in amended Figure 5, do not introduce new matter into the pending application. Instead, the description of the SEQ ID NO: 9 is revised to be more accurately described as the amino acid sequence of the human  $\alpha 1$ -I integrin polypeptide sequence. There has been no change in the amino acid sequence of Figure 5 or its substantive description, and the amended description conforms exactly to the disclosure at page 27, lines 20-21 of the specification of the parent application as originally filed: "The amino acid sequence of the human  $\alpha 1$ -I domain is shown in Figure 5."

Insofar as the description of the six amino acid epitope is concerned, Figure 4.A and Example 7 (page 32, lines 15-24) of the parent application as originally filed identified the amino acid sequence of the epitope for the anti- $\alpha 1$ -I domain blocking mAbs as the six amino acid SEQ ID NO: 8: V-Q-R-G-G-R. Even though the correct six amino acid epitope sequence was identified in the specification of the parent application as originally filed (see, e.g., page 32, line 20), there was a simple counting error at page 32, line 18; the epitope amino acids referred to in Figure 4.A were "aa 91-96", not "aa92-97". Reference to the disclosure of Example 7, Figure 4.A, and SEQ ID NO: 8 of the parent application as originally filed made this clear as of the original filing date. The counting error carried over into the boxed epitope in Figure 5.

Given that it was clear from the written description of the parent application as originally filed that the epitope for the anti- $\alpha 1$ -I domain blocking mAbs was the six amino acid SEQ ID NO: 8: V-Q-R-G-G-R, Applicants respectfully submit that the proposed corrections of the specification and Figure 5 do not in any way introduce new matter into the instant continuation application.

Additionally, the instant amendments conform the specification and figures of the instant continuation application to those of parent U.S. Patent Application Serial No. 10/061,658 and pending U.S. Patent Application 09/996,738, both with respect to the identification of the amino acid sequence of the human  $\alpha 1$ -I integrin polypeptide

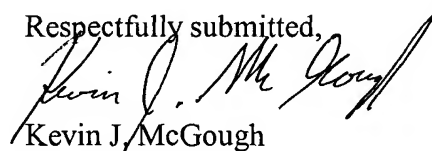
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sequence and the epitope for the anti- $\alpha$ 1-I domain blocking mAbs. The specification has been amended accordingly. A revised Figure 5 that conforms to these amendments is attached herewith.

In light of all of the foregoing, it is respectfully maintained that all of the claims are in a condition for allowance. Accordingly, Applicants respectfully request that the instant continuation application be amended as specified herein and that pending claims 9-17 be passed to issue.

Respectfully submitted,



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